

**APPROVED MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
DECEMBER 4, 2012  
7:00 PM**

**CALL TO ORDER:**

*Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for December 4, 2012 to order at 7:09 P.M.*

**CALL OF ROLL:**

*On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Eric Peterson, Roger Elmore, Linda Nanko/Yeager, Steve Zerwas and Joe Zerwas.*

*Additional staff present: Dennis Berry-Fire Chief, Fred Weck-Building Official, Jason Windingstad-Public Works Superintendent, Paul Hoppe-Director of Public Safety, Mark Erichson-City Engineer-WSB, Mark Vierling-City Attorney-Eckberg, Lammers, Craig Mattson-City Administrator, Nicole Miller-Administrative Assistant.*

**DETERMINATION OF A QUORUM:**

*The Mayor determined a Quorum was present.*

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*"An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".*

**Donald Waller-28480 Forest Blvd.**-Inquired about surface water fees.

**Mark Erichson-City Engineer**-Surface water funds will be used to address drainage issues, and street sweeping and to comply with requirements set by the Minnesota Pollution Control Agency. Wyoming's surface water fees are lower compared to surrounding communities.

**Administrator Mattson**-Indicated surface water fees are billed annually.

**Robert Herr-29291 Hillcrest Dr.**-Inquired about surface water fees and suggested that staff should have sent out additional information regarding surface water fees.

**Kevin Sternhagen-277<sup>th</sup> St.**-Inquired about surface water fees.

**Mayor Peterson**-surface water management fee. replace culverts and drainage issues.

**Archie DuCharme 24011 Forest Blvd.**-Expressed concern with surface water fees.

**Susan Erickson-25309 Grand Prix Ct.**-Expressed concern about surface water fees and explanation she received when calling utility billing customer service.

**Mark Erichson-City Engineer**-Apologized for misunderstanding regarding surface water fees, staff will follow up with utility billing ensure explanation of fees are correct.

**Resident-5600 277<sup>th</sup> St.**-Expressed concern about surface water fees.

**Val Wittner-6903 Wyoming Trl.**-Inquired as to how the city paid for the Bridgewater drainage project.

**Council**-Surface water funds and road and bridge funds were used for the Bridgewater project.

**Karen Stramer-5600 277<sup>th</sup> St.**-Inquired as to who pays for the surface water fee and what benefits do the residents receive?  
Mayor Peterson –increase in size of city .

**Brenda Mickle-262<sup>nd</sup> St.**-Questioned if surface water bill is an annual bill? Suggested surface water fee be rolled into property taxes for ease of having less bills to worry about.

**Mayor Peterson**-Surface water is an annual fee.

**Administrator Mattson**-Surface water fee is a fee and therefore is not appropriate to be billed with property taxes.

**Dennis Bazille-25160 Goodview Ave.**-Inquired as to how surface water fees are determined.

**Fred Weck-Building Official**- Surface water fees are set according to parcel size.

**Mark Erichson-City Engineer**-There are provisions in ordinance that allow for individual opportunities to modify bill.

**Darrell Vincent-268<sup>th</sup> St.**-Stated there had been numerous open meetings regarding surface water fees prior to bill being sent out to residents.

## **APPROVAL OF MINUTES:**

- 1 Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for November 20, 2012.**

**A MOTION WAS MADE BY COUNCILMEMBER S.ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL NOVEMBER 20, 2012.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

- 2 Consider approving the minutes of the “Worksession Meeting” of the Wyoming, Minnesota City Council for November 20, 2012.**

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S.ZERWAS, TO APPROVE THE “WORKSESSION MEETING” MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL NOVEMBER 20, 2012.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

## **SCHEDULED BID LETTINGS: NONE**

## **SCHEDULED PUBLIC HEARINGS:**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER J.ZERWAS TO OPEN TRUTH IN TAXATION HEARING AT 7:25PM.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

## **3 “TRUTH-IN-TAXATION” HEARING - TAX LEVY 2012 PAYABLE 2013**

- ✓ Consider adopting Resolution No. 12-12-72 – 2012 Tax Levy Payable In 2013
- ✓ Consider adopting Resolution No. 12-12-73 – 2013 Expenditures Budget

**Administrator Mattson**-Presented a summary of The City of Wyoming proposed budget for 2013. Administrator Mattson explained that the city is looking to fund a street reconstruction plan, replace some police vehicles, replace a front end loader in public works, replace copier in administration and update the City of Wyoming Municipal Code.

## **OPEN FORUM:**

CCM 12-04-2012

*"An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".*

**Jerry Owens-25717 Gramford Ave-**Presented idea of having a citizen board involved in the budget process. Spoke in favor of street reconstruction plan.

**Robert Herr-29291 Hillcrest Dr-**Expressed concerns about residents that live in the former Wyoming Township having their property taxes rise while many residents live on a fixed income.

**Mayor Peterson-**The annexation agreement between the City of Wyoming and Wyoming Township developed gradual increases for property taxes over five years for Wyoming Township residents to catch up to what the City of Wyoming residents are paying. In 2013 former Township residents will be paying 70% of what residents who live in the former city pay for property taxes.

**Administrator Mattson-**In 2005 when annexation agreement was made economy was better and the vision for the community was more growth that would provide some financial relief to the residents.

**David Rondestvado-269<sup>th</sup> St-**Presented questions on regarding how much Local Government Aid (LGA) the City of Wyoming receives and also questioned the homestead tax credit. Inquired as to when Polaris and Xccent will pay property taxes.

**Mayor Peterson-**Currently Polaris and Xccent pay property taxes.

**Administrator Mattson-**The City of Wyoming has not received LGA since 2007, the City of Wyoming also doesn't receive market value homestead credit. Polaris and Xccent will pay property taxes on their buildings in 2017, they currently pay taxes on their land.

**Donald Waller-28480 Forest Blvd-**Expressed concern regarding home value going down and property taxes going up. Has concerns about paying for improvements on city streets when he lives on a county road. Inquired as to what streets have been selected for the street reconstruction plan and inquired if drainage issues will be addressed.

**Mark Erichson-City Engineer-**Staff is currently working on a feasibility study that includes a number of roadways that are being evaluated for repair and evaluating potential drainage issues to determine the most work we can get done for the least amount of money.

**Dan Babbit-26220 Glen Oak Dr.-**Agreed that streets in Wyoming need repair and inquired about fund account that would be used for street reconstructions. Inquired as to 2013 budget and if there were any increases in department budgets.

**Paul Hoppe-Director of Public Safety-**Addressed the increases in Public Safety budget due to employee costs and Police and Fire merging together in the Public Safety budget.

**Resident-**Expressed concern with house going down in value and property taxes going up. Questioned if annexation was a good thing.

**Administrator Mattson-**The City levies dollar amount for yearly budget and submits amount to Chisago County and they split up the amount to the properties. The county has a formula for figuring out property taxes. Increase in police patrol in the former Wyoming Township has occurred after the annexation

**Steve Sicheneder-6201 266th Ct-**Thanked City Council for serving the residents of Wyoming. Expressed concern regarding the lack of meetings about the proposed budget with public, and expressed skepticism regarding street reconstruction plan.

**Mayor Peterson-**Explained that the money that is levied for the Street Reconstruction goes into a dedicated fund for repairing roads.

**Administrator Mattson-**Provided recap of The City of Wyoming's plan as it relates to the street reconstruction plan. The city is proposing levying \$500,000 for street reconstruction and after the review of feasibility study the council will have a public hearing to discuss feasibility study and if they are interested in selling bonds. The city is proposing to fix what exists and therefore avoid assessments

**Mark Vierling-City Attorney-**The City Council has authority to adjust policy and currently is not looking at assessments for street reconstruction.

**Brian Clark-26918 Felton Ave-**Concerned that roads being considered for repair are not necessarily used by residents the most.

**Dan Babbit-26220 Glen Oak-**Expressed concerns that council hasn't had enough time to review budget.

**Kathy Scallion-Galen Dr-**Pleased that road projects . would rather pay additional property taxes than pay a large chunk in an assessment.

**Randy Walhaupter-5634 261<sup>st</sup>-**Expressed support for road reconstruction plan.

**Bruce Spangler-5983 258th St-**Expressed concern regarding street reconstruction plan, and funding for road repairs in the future.

**Mayor Peterson-**Acknowledged roads need repair and it will take time to fix them. The roads street reconstruction fund will be a starting point.

**John Chouinard 7954 Pioneer Rd.-**Spoke about concerns related to trucks using Pioneer Road and causing wear and tear. Expressed support for street reconstruction plan.

**Jerry Owens-25717 Gramford Ave**-Shared thoughts about community sharing in costs related to street reconstruction to benefit the whole community.

**Resident-Wyoming Trail**-Shared concerns about property taxes and supports street reconstruction plan due to poor conditions of roads.

**Neil Gatzow-5481 E Viking Blvd**- Supports street reconstruction plan and expressed concerns about the council not having enough time to review the proposed budget.

**Tom Terry-26752 Freeport Ct**-Concerned that council hasn't had enough time to review budget.

**Rodney Hestekin-26811 Freeport Ct**-Concerned that council hasn't had enough time to review budget. Supports commercial growth in the community and concerned that higher commercial taxes are discouraging growth.

**Joan Chouinard-7954 Pioneer Rd**-Expressed support for street reconstruction plan and believes that the community as a whole should share in the costs to repair all roads.

**Administrator Mattson**-Explained that the City Council received preliminary budget back in September when they set "The Not to Exceed Budget". The proposed budget mirrors the budget from September except for minor changes that the Council has been working with the staff on.

**Mayor Peterson**-Expressed satisfaction with the work city staff did with the budget.

**Steve Sicheneder-6201 266th Ct**-Disappointed that a draft budget was not given to residents back in September and expressed concerns with limited public hearings regarding budget.

**Tom Addison-Felton Ave**-Inquired as to what standards the roads will be reconstructed and expressed concern with the amount of time the council has had to review the budget.

**Mark Erichson-City Engineer**-Explained that the roads will be evaluated and built to current standards.

**John Smith-26896 Fenwick Ave**-Doesn't believe assessments would be a fair means for street improvements.

**Dennis Bazille-25160 Goodview Ave**-Expressed concern with property taxes rising and believes property taxes are lower in surrounding cities.

**Resident-262<sup>nd</sup> St**-Asked for clarification regarding property tax statement and inquired about homestead and non-homestead status.

**Administrator Mattson**-Explained that the city levies a certain dollar amount and sends the amount to the County who then uses a formula to come up with the amount each property is responsible for.

**A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS, SECONDED BY COUNCILMEMBER ELMORE TO CLOSE TRUTH IN TAXATION HEARING AT 9:13 PM.**

Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas

Voting Nay: None

Abstain: None

**Councilmember Steve Zerwas**-Expressed support for local commercial industry and empathized with residents experiencing increases in property taxes. Doesn't believe assessments for street projects would be in the best interest for the community. Expressed support for street reconstruction plan.

**Councilmember Elmore**-Supports street reconstruction plan. Explained that the City Council has been working with staff on current budget.

**Councilmember Joe Zerwas**-Supports street reconstruction plan and feels that assessments would be a bigger burden on the residents.

**Councilmember Nanko/Yeager**-Explained reasoning for not supporting street improvement plan and for favoring assessments for road repairs. Expressed desire to keep levy limit low and expenditures down.

**Mayor Peterson**-Explained reasoning for supporting street reconstruction plan as opposed to assessments. Believes this plan is the most fair for the community.

**A MOTION WAS MADE BY COUNCILMEMBER S.ZERWAS, SECONDED BY COUNCILMEMBER ELMORE APPROVE RESOLUTION NO.12-12-72 A RESOLUTION ADOPTING 2012 LEVY PAYABLE IN 2013.**

Voting Aye: Elmore, Peterson, Zerwas and Zerwas

Voting Nay: Nanko/Yeager

CCM 12-04-2012

Abstain: None

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER J.ZERWAS APPROVE RESOLUTION NO.12-12-73 A RESOLUTION ADOPTING 2013 EXPENDITURES BUDGET.**

Voting Aye: Elmore, Peterson, Zerwas and Zerwas

Voting Nay: Nanko/Yeager

Abstain: None

**CONSENT AGENDA:**

*Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

- 4** To consider approving contributing **\$6,000.00 into the Wyoming Fire Department Relief Association.**
- 5** To consider adopting **Resolution No. 12-12-74** a resolution authorizing the disposal of the unclaimed 1995 Dodge Neon through the public auction process

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:**

- 6** Report of the Director of Public Safety, Paul Hoppe for November 30, 2012
- 7** Report of City Building Official, Fred Weck, IV for November 28, 2012
- 8** Report of City Attorney Mark Vierling for November 29, 2012
- 9** Report of City Engineer Mark Erichson, WSB for November 28, 2012
- 10** Report of the Wyoming Public Works Supt., Jason Windingstad for November 29, 2012

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE CONSENT AGENDA ITEMS NUMBER #4 THROUGH #10 AS PRESENTED.**

Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas

Voting Nay: None

Abstain: None

**COMMUNICATIONS:**

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

- 11** To Consider Approving "**Amendment No. 2 To Broadcast Tower Site Lease Agreement**" (**Sprint Lease Agreement**) for modification to antenna on City Water Tower on 260<sup>th</sup> Street and consider an additional **\$200.00/month rent with 3% annual increase in rental rates automatic.**

*Administrator Mattson-Received request to review Sprint 's antenna on water tower. The City Engineer and City Attorney have reviewed Sprints plan. The city has asked for an increase in rent due to size increase of antenna. The city has used the amount of rent paid by T-Mobile's for their antenna and has determined an increase would be warranted.*

CCM 12-04-2012

*Council-Inquired as to when would comparison be completed by to determined fair rent to be paid.  
Mark Erickson-City Engineer-Detailed review of tower and review of construction will be completed soon.*

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER S.ZERWAS TO TABLE “AMENDMENT NO. 2 TO BROADCAST TOWER SITE LEASE AGREEMENT” (SPRINT LEASE AGREEMENT) UNTIL COMPARISON OF ANTENNA’S ARE COMPLETE.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas  
Voting Nay: None  
Abstain: None*

**12 To Consider adopting Resolution No. 12-12-75 a resolution requesting municipal state aid advance funding.**

*Mark Erickson-City Engineer-Staff is recommending not requesting advanced funds for Greenway Avenue and to continue with the feasibility study and reconsider Greenway Avenue at a later date.*

### **CLAIMS:**

**13 To consider authorizing payment of recommended bills, payroll and Journal Entries for the period of November 21, 2012 through December 4, 2012.**

**A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO AUTHORIZE PAYMENTS OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF NOVEMBER 21, 2012 THROUGH DECEMBER 4, 2012.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas  
Voting Nay: None  
Abstain: None*

### **COUNCIL REPORTS:**

#### **COUNCILMEMBER NANKO/YEAGER**

*No report*

#### **COUNCILMEMBER J.ZERWAS**

*No report*

#### **COUNCILMEMBER ELMORE**

*Park Board will present fee structure for park pavilions and fields at next council meeting.  
Park board reimbursed Girl Scouts for work done.*

#### **COUNCILMEMBER S.ZERWAS**

*No report*

#### **MAYOR PETERSON**

*No report*

### **ADJOURN**

**A MOTION MADE BY COUNCILMEMBER J ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER TO ADJOURN THE DECEMBER 4, 2012 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 9:42 PM.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*  
*Voting Nay: None*  
*Abstain: None*

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Respectfully submitted  
Nicole Miller, Administrative Assistant